

CHECKLIST FOR EMPLOYING BROKER'S LICENSE FOR LIMITED LIABILITY COMPANY, CORPORATION OR PARTNERSHIP (including LIMITED LIABILITY PARTNERSHIP)

"PROMOTING MUTUAL RESPECT"

DO NOT SUBMIT APPLICATIONS BY FAX OR EMAIL

To apply for an employing broker's license for a corporation, limited liability company or partnership, complete an Application for Employing Broker's License for Limited Liability Company, Corporation or Partnership Form, Awareness Statement Form, Original License Application Questions & Certification of Answers and Employing Broker Change Form. **You must contact the Department via e-mail at Broker.appointments@azre.gov to schedule an appointment with a Broker Specialist.** There is a 2 to 3 week wait for your appointment and the maximum time allotted will be one (1) hour.

Provide the following documents:

- Ensure availability of the Legal Name and/or DBA name, if any, for licensure. The Department of Real Estate will not issue a broker's license that is too similar to that of another broker or that may be misleading or cause confusion, A.A.C. R4-28-301(D). Request name approval and courtesy hold using Request for Legal and/or DBA Name Approval Form.
- Submit completed Application for Employing Broker License for Limited Liability Company, Corporation, or Partnership Form.
- Submit a completed Aware Statement Form.
- Submit a completed Employing Broker Change Form and fee of \$10.00.
- Submit a completed Salesperson/ Associate Broker Change Form and \$20.00 (In Office) or process thru the Online Licensing System for \$10.00, if eligible for each salesperson or associate broker being hired to the employing broker.
- Submit an Original License Application Questionnaire & Certification of Answers Form. If you must truthfully answer "yes", additional information is required. Follow the instructions on the Questionnaire, and, as required, also provide the documents listed on the Document Checklist Form.
- Information specific to the type of entity seeking licensure -- see below.
- Any other information required by the Department to verify the applicant's qualifications.

For A Limited Liability Company:

- A copy of the Articles of Organization and any amendments stamped "Received & Filed" by the Arizona Corporation Commission. Include a copy of the operating agreement (if one) and any amendments.
- A Company resolution signed by all members stating whether management of the limited liability company is established as manager-controlled or member-controlled and the name of the member or manager appointed to act as designated broker. NOTE: If member-managed, the designated broker must be a member; if manager-managed, the designated broker must be a manager.
- The name and address of each member and manager, and the name and address of any person controlling or holding more than 10% of the membership interest in the limited liability company.
- For a foreign limited liability company, submit "Filed" copy of the Application of Authority to conduct business in Arizona from the Arizona Corporation; a "Filed" copy of the original Articles from the state of origin and any amendments. If any member who holds 20% or more interest is a corporation, LLC or partnership, provide copy of articles filed in Arizona and must be legal to do business in Arizona.
- A name that conforms to A.R.S. § 29-602.

For A Corporation:

- A copy of the Articles of Incorporation and any amendments stamped "Received & Filed" by the Arizona Corporation Commission. If it has been more than 1 year since corporation was filed, a Certificate of Good Standing from the Arizona Corporation Commission is required.
- A corporate resolution stating that the designated broker was elected or appointed as corporate officer, naming the office held, and stating the individual was appointed to act as designated broker for the corporation.
- The name and address of each officer and director, and the name and address of each shareholder controlling or holding more than 10% of the issued and outstanding common shares, or 10% of any other proprietary, beneficial, or membership interest in the corporation.
- A name that conforms to A.R.S. § 10-401.

CHECKLIST FOR EMPLOYING BROKER'S LICENSE FOR LIMITED LIABILITY COMPANY/CORPORATION OR PARTNERSHIP FORM (including LIMITED LIABILITY PARTNERSHIP) (CONTINUED)

If a Foreign Corporation, or Limited Liability Company or Partnership include:

- The agreement and plan of merger;
- Certificate of Good Standing
- Certificate of Merger on file in the state in which the applicant is domiciled;
- Certificate of Merger on file with the Arizona Corporation Commission;
- A filed and stamped Articles of Merger;
- A filed and stamped Application for Registration of the Foreign Limited Liability Company, foreign corporation or partnership.

For A General Partnership:

- A copy of the Partnership Agreement and any amendments.
- The name and address of each partner, and the name of any other person with a beneficial or membership interest in the partnership.
- An agreement signed by all partners, stating the name of the partner appointed to act as designated broker.

For A Limited Partnership:

- A copy of the Application of Registration stamped "Received & Filed" by the Secretary of State.
- A copy of the Partnership Agreement and any amendments.
- An agreement or resolution that states the name of the partner appointed to act as designated broker.
- The designated broker shall be:
 - a partner of the general partner if the general partner is a partnership;
 - a member of the member-managed limited liability company or manager of the manager-managed limited liability company if the general partner is a limited liability company;
 - corporate officer of the corporate partner if the general partner is a corporation; or
 - a limited partner of a partnership shall not be designated broker for the partnership.

For a Limited Liability Partnership:

- A copy of the Articles of Organization stamped "Received & Filed" by the Arizona Corporation Commission.
- A copy of the partnership Agreement and any amendments.
- An agreement or resolution that states the name of the partner appointed to act as designated broker.
- The designated broker shall be:
 - a partner of the general partner if the general partner is a partnership;
 - a member of the member-managed limited liability company or manager of the manager-managed limited liability company if the general partner is a limited liability company;
 - corporate officer of the corporate partner if the general partner is a corporation; or a limited partner of a partnership shall not be designated broker for the partnership

IMPORTANT NOTE:

This is notification of one or more deficiencies in your application. Please correct or submit the deficiencies by the deadline noted or your application will be deemed incomplete and the file closed. The Department must grant or deny a license within a specific period of time once an application is complete. An applicant also has a specific period of time in which to correct any identified deficiency. If you do not provide or correct the identified item(s), or provide the additional information as requested, the application shall be deemed "incomplete" or "withdrawn" and the file closed. If you later wish to apply for a license, you must submit a new application, including applicable fees. R4-28-103. If the Department does not grant or deny a license *based on a completed application* within the allowed time period, the application fee is refunded to the applicant. A.R.S. § 41-1073 et seq.

Save time - take a moment to review your application and make sure you have signed it where required and have attached supporting documents and the required fee **before** you submit to the Department. If the Department receives an incomplete application, we will return the application to you **unprocessed**.

"AN EQUAL EMPLOYMENT OPPORTUNITY AGENCY"

This form is available in alternate formats by contacting the Operations Office at 602-771-7760 or by email at forms@azre.gov



**STATE OF ARIZONA
DEPARTMENT OF REAL ESTATE**

2910 N. 44th St, Ste 140 400 W. Congress, Ste 523
Phoenix, AZ 85018 Tucson, AZ 85701
(602) 771-7700 (520) 628-6940

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For Department Use Only

Entity License No _____

Effective Date _____

Expiration Date _____

By _____ ☐ TF 1 ☐ TF 2

You can do more than renew online! Go to www.azre.gov

Review checklist before filing this form.

(NO FEE REQUIRED)

**APPLICATION FOR EMPLOYING BROKER'S LICENSE FOR
LIMITED LIABILITY COMPANY, CORPORATION OR PARTNERSHIP (including LIMITED LIABILITY
PARTNERSHIP) FORM**

ENTITY BROKER INFORMATION:

Type of Entity: ☐ Limited Liability Company ☐ Membership Controlled OR ☐ Management Controlled
☐ Corporation ☐ Partnership ☐ Limited Liability Partnership

Is there an Operating Agreement? ☐ NO ☐ YES (provide copy)

Legal Name of Entity: _____

DBA Name of Entity: _____

Business Address: _____
(Street, Suite, City, State, Zip)

Mailing Address (if different): _____
(Street, Suite, City, State, Zip)

Business telephone No: () _____ Business Fax No: () _____

Print legal name of Designated Broker: _____

License No: _____ License Expiration Date: _____

Federal Tax Id. Number: _____

☐ Trust Account (provide details below) ☐ Title Company

Trust Account Information:

Account Name: _____

Bank Name: _____ Account Number: _____

Bank Address: _____
(Street, City, State, Zip)

A.A.C. R4-28-303 (E) requires the Designated Broker to notify the Department in writing within 10 days of a change in information submitted in this application.

PRINT Designated Broker Name

Designated Broker Signature

Date

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This form may be faxed to the Phoenix Office at (602) 955-6284

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REQUEST FOR LEGAL AND/OR DBA NAME APPROVAL FORM

IMPORTANT NOTE: PLEASE ALLOW UP TO TWO WEEKS FOR REVIEW AND APPROVAL

Date: _____

Name(s) to be researched:

1st Choice: Legal: _____

1st Choice: DBA: _____

2nd Choice: Legal: _____

2nd Choice: DBA: _____

Requestor's Name: _____

Telephone Number: _____ Fax Number: _____

FOR ADRE USE ONLY

☐ APPROVED

Reserved thru: _____

Approved by: _____
(Name) (Date)

☐ DENIED

Notations: _____

Denied by: _____
(Name) (Date)

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ORIGINAL LICENSURE QUESTIONNAIRE

The Arizona Department of Real Estate (“Department”) requires you to provide information to determine your qualifications and suitability to hold an Arizona Real Estate License, a Cemetery License, or a Membership Camping License, under Arizona Revised Statutes, Title 32, Chapter 20, and Title 4, Chapter 28, of the Arizona Administrative Code. 1. *A.R.S. §§ 32-2123 (B)(4), (5) & (6), 32-2108 and A.A.C. R4-28-301*

You must answer these questions and submit them, together with your Application for an Original Arizona Real Estate License, to the Arizona Department of Real Estate (“Department”). If you do not answer **EVERY** question, your Application will be considered incomplete and it will be returned to you unprocessed.

Be certain you understand the questions and that your answers are correct. Failure to answer these questions truthfully may result in disciplinary action including, but not limited to, suspension or revocation. 2. *A.R.S. § 32-2153 (B) (1)*. In addition, you may be subject to a civil penalty 3. *A.R.S. § 32-2160.01*

If you answer “yes” to any question, please provide a signed, detailed statement describing the facts and circumstances, including the date, time and location of the incident or event. You must also provide the documents identified on the Document Checklist, Arizona Department of Real Estate Form #LI-400, available from the Department offices or on its web page: www.azre.gov for the type of incident, offense, crime, judgment, or other action. You may include exculpatory or mitigating information, any evidence of rehabilitation, and any appropriate statement of remorse and acceptance of responsibility for the prior conduct.

1. In the past 10 years, have you had a professional or occupational license or registration of any kind denied, suspended, restricted, or revoked? ☐ Yes ☐ No
2. In the past 10 years, have you had an administrative order or any other disciplinary action taken against any license issued to you by any local, state, or federal regulatory agency? ☐ Yes ☐ No
3. In the past 10 years, have you voluntarily surrendered any license during the course of an investigation or disciplinary proceeding? ☐ Yes ☐ No
4. In the past 10 years, have you entered into any consent decree, or had an injunction (either temporary or permanent), a suspension, an order, or a judgment issued which prohibited or restricted you from engaging in any profession or occupation? ☐ Yes ☐ No
5. In the past 10 years, have you had any judgment or order entered against you by any court involving fraud, dishonesty, misrepresentation, unfair trade practice, or moral turpitude? ☐ Yes ☐ No
6. In the past 10 years, have you had any judgment or order entered against you by any court arising out of the conduct of any business in real estate, cemetery property, time-shared intervals, or membership campgrounds? ☐ Yes ☐ No
7. In the past 10 years, have you had any Subdivision Public Report or Registration to Sell real estate, time-shares, cemetery lots, or campground memberships denied or suspended? ☐ Yes ☐ No
8. Has any real estate recovery fund, or similar fund, ever made a payment that was charged against you or against a business for which you were the qualifying party? ☐ Yes ☐ No
9. Are there any disciplinary hearings, or other administrative actions pending against ANY professional or occupational licenses you hold in Arizona or in any other state? ☐ Yes ☐ No
10. Have you held or do you hold ownership interest of ten percent or more or exercise control in any business, corporation, partnership, or limited liability company that would have to answer “Yes” to questions # 1 through #9. If your answer is “Yes,” list on a separate page all of these businesses and your affiliation with each of them, and identify which question(s) would require a “yes” answer? ☐ Yes ☐ No

If you answered “yes” to any question #1 through #10, submit a current certified license history from the licensing agency of each state in which you or the business(es) you identified in response to Question #10, is (are) now licensed or in which you or the business(es) were licensed at any time during the past five years.

ORIGINAL LICENSURE QUESTIONNAIRE
(continued)

IMPORTANT NOTE: Please read this carefully

You must disclose a conviction even if it was a result of a plea agreement or a plea of nolo contendere (no contest). You must disclose all convictions whether or not the plea or verdict was set aside, judgment or sentencing was deferred, the conviction against you was dismissed or expunged, or if you have been pardoned.

11. Have you ever been convicted of any **felony** in Arizona or any other state? ☐ Yes ☐ No

12. In the past 10 years, have you been convicted of any **misdemeanor** in Arizona or any other state? ☐ Yes ☐ No

Note: You do not need to report minor traffic citations, which do not constitute a misdemeanor or felony offense. Conviction of D.U.I is not a minor traffic citation and must be reported.

13. Are you currently in a deferred period or a diversion program, having been convicted of a Class 6 undesignated offense, which has not yet been designated as a felony or misdemeanor to date ☐ Yes ☐ No of this application.

14. Are you currently incarcerated, paroled, or on probation because of any conviction? ☐ Yes ☐ No

* * * * *

A. Have you (as a natural person, a professional corporation, or professional limited liability company, owner of ten percent or more greater interest, or person exercising control in any business, corporation, partnership, or limited liability company) ever held or applied for a license of any kind issued by the Department? ☐ Yes ☐ No

B. In the past five (5) years, have you been licensed as a salesperson or broker in any state other than Arizona? ☐ Yes ☐ No

If your answer is "Yes", submit on a separate page a list of the state(s) in which you are licensed or in which you have been licensed at any time during the past five years.

CERTIFICATION OF ANSWERS

I Certify under penalty of perjury, under the laws of the State of Arizona, that the foregoing answers and statements given in this application are true and correct. I certify that at the time of the issuance of license I will be 18 years of age or older. I certify that if licensed I will not violate any provisions of the Real Estate Law nor abuse the privileges of a license.

Printed Name of Applicant

Original Signature of Applicant

Date

*Save time - take a moment to review your application and make sure you have signed it where required and have attached supporting documents and the required fee **before** you submit to the Department. If the Department receives an incomplete application, we will return the application to you **unprocessed***

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AWARE STATEMENT FORM

(Name of Entity)

The above named entity has applied for a broker's license in Arizona

That each; ☐ **officer/director**, ☐ **member/manager**, ☐ **partner**;

has read the complete application on the named entity as submitted to the Department.

All the information contained in the application is true. That each;

☐ **officer/director**, ☐ **member/manager**, ☐ **partner** is qualified to do business in Arizona

The Legal and/or DBA name of the entity complies with A.R.S. § 29-245 and 4 A.A.C. 28, Article 10, and is not likely to be misleading or confusing.

(Print designated broker's name)

(Date)

(Signature of designated broker)

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CHECKLIST FOR EMPLOYING BROKER CHANGE FORM

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DO NOT USE THIS FORM FOR SALESPERSON/ASSOCIATE BROKER CHANGES
DO NOT SUBMIT APPLICATIONS BY FAX OR E-MAIL.

PROVIDE ALL DOCUMENTATION OR INFORMATION NEEDED TO COMPLETE THE REQUESTED CHANGE.

Employing Brokers are Sole Proprietorships and Broker Entities (Corporations, Limited Liability Companies and Partnerships)

1. Request Name Approval on Request for Legal and/or DBA Name Approval form. The legal name and DBA (doing business as) name, if any, must be approved by the Department of Real Estate even if the Corporation Commission has approved the name.
2. **Make an Appointment:** If you are filing a new entity application, new broker opening a new company, change of designated brokers, company closing and opening a new company or changing main office to branch please contact the Department via e-mail at Broker.appointments@azre.gov to schedule an appointment with a Broker Specialist. There is a 2 to 3 week wait for your appointment and the maximum time allotted will be one (1) hour.
3. An incoming designated broker must have attended a Broker Management Clinic within the past 23 months.
4. See front page of Employing Broker Change form for Trust Account/Title Company requirement.

ENTITY'S LEGAL NAME, DBA NAME OR CHANGE OF NAME:

- Entity's Legal Name and DBA Name, if any, must be approved by the Dept. prior to filing. Complete and submit Request for Name Approval Form. Upon approval, a name will be "reserved" for approximately 30 days.
- Complete Employing Broker Change Form and attach a current list of employees (you may print a list from Public Database on the ADRE web page, www.azre.gov, and searching with Employing Broker license number or name);
- Changing Legal Name:
 - For a corporation or an LLC (**not** PC/PLC), submit a copy of the Articles of Amendments from the Arizona Corporation Commission which are stamped "Received and filed" showing the change;
 - For a Partnership, submit a copy of the addendum/amendment to the Partnership Agreement showing the change.
- Change fee of \$10 for each license affected by change, i.e., designated broker, entity, every branch office and all licensed employees.

ACTIVE STATUS DESIGNATED BROKER ("db") CHANGING TO INACTIVE STATUS:

- Submit written statement resigning as the db (This includes a sole proprietor, who is both the employing broker and designated broker), once submitted, be aware that your license is inactive until a further action is taken to change the status of employment.
- Sever all employees on Salesperson/Associate Broker Change form or by using the Online Licensing System.
- NO FEE REQUIRED.

ASSOCIATE BROKER STATUS CHANGING TO DESIGNATED BROKER STATUS for an ENTITY licensed as EMPLOYING BROKER):

- Submit sever as an associate broker using Salesperson/Associate Broker Change form if current branch manager, is not a branch manager use the On-line system to sever.
- Complete Employing Broker Change form as db (of entity).
- Provide proof of attendance at a Broker Management Clinic within the preceding 23 months.
- Provide new resolution (described below)

RESOLUTION REQUIRED

To be db of a corporation, submit a corporate resolution stating that the designated broker was elected or appointed as a corporate officer, naming the office held and stating that the individual was appointed to act as designated broker for the corporation.

To be db of an limited liability company ("LLC"), submit a company resolution signed by all members or managers, as applicable, stating that db is manager if management of the LLC is established as manager-controlled, or that db is member if the LLC is established as member-controlled, and the name of the member or manager appointed to act as the designated broker.

To be db for a partnership, submit an agreement signed by all the partners or by the general partner in a limited partnership, stating the name of the member/partner appointed to act as designated broker for the partnership.

CHECKLIST FOR EMPLOYING BROKER CHANGE FORM *(Continued)*

DESIGNATED BROKER adding Professional Corporation or Professional Limited Liability Company status, see Application for Real Estate Salesperson or Broker PC/PLC Application form for requirements.

SEE A.R.S. §§ 32-2125, 32-2136 and A.A.C. R4-28-302 & R4-28-303.

ASSOCIATE BROKER STATUS CHANGING TO DB STATUS (SOLE-PROPRIETORSHIP):

- Submit Request for Legal and/or DBA Name Approval Form
- Submit Salesperson/Associate Broker Change Form (**for branch manager only**), all others use the Online Licensing System.
- Complete Broker Change Form to be licensed as a Sole-Proprietorship;
- Provide proof of attendance at a Broker Management Clinic within the preceding 23 months;
- Change fee of \$10 (check or money order only);

DESIGNATED BROKER (for ENTITY) CHANGING TO DB (SOLE PROPRIETORSHIP) STATUS:

- Submit a letter of resignation as current designated broker of employing entity;
- Complete Broker Change Form to be licensed as a Sole-Proprietorship;
- Submit Salesperson/Associate Broker Change Form to sever **branch manager**, all others use the Online Licensing System;
- If a DBA name is to be used, the DBA name must be approved by the Department; submit Legal and/or DBA Name Approval Form
- Provide proof of attendance at a Broker Management Clinic within the preceding 23 months;
- Change fee of \$10 (check or money order only)

ENTITY'S CHANGE OF DESIGNATED BROKER:

- Submit a letter of resignation from the current designated broker of the entity OR included in company resolution removing the current designated broker.
- Submit Employing Broker Change Form completed by the incoming designated broker
- Submit a new company resolution as stated on page 1 and report any changes to the entity
- Incoming designated broker must provide proof of attendance at a Broker Management Course within the preceding 23 months
- Change fee of \$10 each for designated broker, entity and every branch office (check or money order only), and;
- Possible fee for realignment of branch offices (if any)

EMPLOYING BROKER BUSINESS ADDRESS CHANGE:

- Complete Employing Broker Change Form,
- Attach current list of employees (you may print a list from ADRE public database at www.azre.gov, Online Services, Public Database, and enter Employing Broker license number or name) and
- Change fee of \$10 for each license affected by the change, i.e. designated broker, entity, branch office and all employees licensed at that office location (check or money order only).

RESIDENT BROKER CHANGE TO A NON-RESIDENT BROKER:

- A non-resident broker who maintains the principal office outside Arizona shall:
 1. Place monies with an escrow company licensed and located in Arizona, or a trust account in Arizona for monies received from transactions in Arizona;
 2. Maintain copies of records in Arizona for all Arizona transactions handled by the broker;
 3. Provide a letter stating name, address and phone number of the person residing in Arizona, such as a statutory agent or attorney, who will have possession of the records. This information must be kept current and on file with the Department;
- A non-resident broker who employs any licensee within the state shall:
 1. Immediately establish a branch office in Arizona,
 2. Appoint a branch manager and
 3. Provide a statement describing how the licensee shall be supervised, pursuant to R4-28-302 (K).

See Branch Office Application Form and Salesperson/Associate Broker Change Form for requirements.

- Complete an Employing Broker Change Form;
- Change fee of \$10 each for designated broker and employing broker if a corporation, partnership, or LLC (check or money order only).

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EMPLOYING BROKER CHANGE

Designated Broker's (DB) Name: _____

DB License Number: _____ DB Lic Expiration Date (Mo/Yr): _____

If change of DB, Date Incoming DB attended Broker Mgmt Clinic (attach certificate copy): _____

CHANGE BEING MADE (Check as many as apply):

- ☐ BUSINESS ADDRESS CHANGE
☐ ENTITY LEGAL NAME CHANGE
☐ DBA NAME CHANGE

- ☐ CHANGE TO NON-RESIDENT BROKER *
☐ NEW DESIGNATED BROKER
☐ CHANGE TO INACTIVE STATUS

- ☐ DESIGNATED BROKER CHANGE
☐ TO/FROM SOLE PROPRIETOR
☐ CHANGE TO ACTIVE STATUS

CHECK EMPLOYING BROKER TYPE:

- ☐ CORPORATION ☐ LIMITED LIABILITY COMPANY ☐ SOLE PROPRIETOR
☐ PARTNERSHIP ☐ LIMITED PARTNERSHIP

CHANGE FROM: ☐ MAIN OFFICE ☐ BRANCH OFFICE

ENTITY NAME: _____

DBA NAME: _____

ENTITY LICENSE NUMBER: _____

BUSINESS ADDRESS: _____

CITY, STATE, ZIP: _____

MAILING ADDRESS: _____

CITY, STATE, ZIP: _____

BUSINESS TELEPHONE: _____

FAX NUMBER: _____

CHANGE TO: ☐ MAIN OFFICE ☐ BRANCH OFFICE

ENTITY NAME: _____

DBA NAME: _____

ENTITY LICENSE NUMBER: _____

BUSINESS ADDRESS: _____

CITY, STATE, ZIP: _____

MAILING ADDRESS: _____

CITY, STATE, ZIP: _____

BUSINESS TELEPHONE: _____

FAX NUMBER: _____

☐ **NON-RESIDENT BROKER -- See Checklist And Instructions For Required Information.**

☐ **I WILL USE TITLE COMPANY (OR)**

☐ **I WILL USE TRUST ACCOUNT.** IF USING A TRUST ACCOUNT, NOTIFY THE DEPARTMENT OF THE BANK NAME, LOCATION, ACCOUNT NAME AND NUMBER OF EACH BROKER'S TRUST ACCOUNT WITHIN 10 DAYS.

X _____

Date: _____

Designated Broker's Signature (If Sole Proprietor, in signing this form, I declare I am the ONLY person who owns, has exclusive title or legal right to the business.)

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Effective Date _____
Date Entered _____
BMC Updated _____
By: _____ ☐ TF1 ☐ TF 2